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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,536	03/19/2001	Vladimir Matena	SUNMP002A	2568

25920 7590 09/03/2004  
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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2144

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DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/812,536

Applicant(s)

MATENA ET AL.

Examiner

Michael S. A. Delgado

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-13 and 15-19 rejected under 35 U.S.C. 102(e) as being anticipated by US Patents 6,516,350 and 6,529,950 by Lumelsky et al.

In claim 1, Lumelsky teaches about a system for providing application-specific strategies to a JAVA platform, comprising (Fig 6):

a runtime subsystem “system management layer” (Col 11, lines 20-30); and

an application “media streaming” having a control module “SCP” in communication with the runtime subsystem, the application further including a plurality of service modules in communication with the control module, wherein the control module includes application-specific policies “QoS” for the application.

In claim 3, Lumelsky teaches about a system as recited in claim 1, wherein the application-specific policies include application-specific start policies (Col 15, lines 5-20). (If the application quality is below policy amount, start application elsewhere).

In claim 4, Lumelsky teaches about a system as recited in claim 3, wherein the application-specific policies include application-specific stop policies (Col 15, lines 5-20). (If the application quality is below policy amount, stop application to facilitate remapping).

In claim 5, Lumelsky teaches about a system as recited in claim 4, wherein the control module manages the service modules (Col 15, lines 5-20).

In claim 6, Lumelsky teaches about a system as recited in claim 1, wherein the control module is capable of starting a child application "RMF" (Col 5, lines 49-60) (Col 14, line 50-Col 15, line 5).

In claim 7, Lumelsky teaches about a system as recited in claim 6, wherein the control module starts the child application by starting a child control module "Pluggable", the child control module being part of the child application (Col 14, line 50-Col 15, line 5).

In claim 8, Lumelsky teaches about a method for starting an application having application-specific strategies in a JAVA environment, comprising the operations of (Fig 6):

providing a parent control module "SCP" having application-specific policies "QoS" for a parent application (Col 15, lines 5-20);

generating a child control module "Pluggable" using the parent control module, the child control module being part of a child application "RMF" (Col 14, line 50-Col 15, line 5); and

executing the child application using the child control module (Col 15, lines 5-15).

In claim 9, Lumelsky teaches about a method as recited in claim 8, further comprising the operation of sending a request from the parent control module to a runtime executive subsystem, the request including a message to start the child application (Col 11, lines 20-30) (Col 15, lines 5-20).

In claim 10, Lumelsky teaches about a method as recited in claim 8, further comprising the operation of starting a plurality of service modules using the child control module, the plurality of service modules being part of the child application (Col 14, line 50-Col 15, line 5) (US Patent 6,529,950 Col 2, lines 50-55).

In claim 11, Lumelsky teaches about a method as recited in claim 10, further comprising the operation of sending a request from the child control module to the runtime executive subsystem, the request including a message to start a service module (US Patent 6,529,950 Col 2, lines 50-55) (Col 11, lines 20-30) (Col 15, lines 1-5).

In claim 12, Lumelsky teaches about a method as recited in claim 11, wherein each service module is executed using a server subsystem (Col 11, lines 20-30) (Col 15, lines 1-15).

In claim 13, Lumelsky teaches about a method as recited in claim 12, wherein the child control module includes the application-specific policies of the parent control module “extensible” (US Patent 6,529,950 Col 2, lines 50-55).

In claim 15, Lumelsky teaches about a method for stopping an application having application-specific strategies in a JAVA environment, comprising the operations of (Fig 6):

providing a parent control module “SCP” having application-specific policies for a parent application (Col 15, lines 5-20);

stopping execution of a child control module “Pluggable” using the parent control module, the child control module being part of a child application “RMF” (Col 15, lines 1-20); and (By migrating the parent control to another server, the child application and child control will have to be stopped and moved to the new location of the parent).

stopping execution of the child application using the child control module (Col 15, lines 5-20). (This is a part of the migration process)

In claim 16, Lumelsky teaches about a method as recited in claim 15, further comprising the operation of sending a request from the parent control module to a runtime executive subsystem, the request including a message to stop the child application (Col 11, lines 20-30) (Col 15, lines 5-20).

In claim 17, Lumelsky teaches about a method as recited in claim 16, further comprising the operation of stopping a plurality of service modules using the child control module, the plurality of service modules being part of the child application (US Patent 6,529,950 Col 2, lines 50-55) (Col 15, lines 5-20). (By migrating the parent control to another server, the child application and child control will have to be stopped and moved to the new location of the parent).

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In claim 18, Lumelsky teaches about a method as recited in claim 17, further comprising the operation of sending a request from the child control module to the runtime executive subsystem, the request including a message to stop a service module (Col 11, lines 20-30) (Col 15, lines 5-20).

In claim 19, Lumelsky teaches about a method as recited in claim 15, wherein the child control module includes the application-specific policies of the parent control module (Col 15, lines 1-15). (Pluggable that support SCP action)

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,516,350 by Lumelsky et al in view of US 6,665,861 by Francis et al.

In claim 2, 14 and 20 Lumelsky teaches all the limitation but does not explicitly teach about an application as recited in claim 7, wherein the application-specific policies are programmed using a JAVA programming language.

JAVA is well known for its portability and is well suited for load balancing operation as disclosed by Francis (Col 1, line 65-Col 2, line 5) (Col 5, lines 15-20).

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It would have been obvious to some one of ordinary skill at the time of the invention to use a JAVA programming language because of its portability.

The portability in JAVA, makes software programming less complex, as it can be used by different platform, which is the case in load balancing operation.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US patent no. 6,463,454 by Lumelsky et al. teaches about a system and method for integrated load distribution and resource management on internet environment

US patent no. 6,393,459 by Lurndal. teaches about a process migration method for multicomputer system, involves issuing request for migration of processes from source site to destination site and creating copy of process operative on destination site.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is (571) 272-3926. The examiner can normally be reached on 7.30 AM - 5.30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM A CUCHLINSKI JR can be reached on (571) 272-3925.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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